

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL THRASHER,  
Plaintiff,

v.

LARRY GARLAND,  
Defendant.

CASE NO. C06-5496RBL-KLS

ORDER

The Court, having reviewed defendant's motion to dismiss (Dkt. #27), the Report and Recommendation of United States Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

(1) Plaintiff has moved for an Extension of Time to Respond to the Motion to Dismiss [Dkt. #35]. However, the record reflects that plaintiff filed a response in opposition to defendant's motion to dismiss on August 13, 2007, consisting of a memorandum and 70 pages of exhibits. [Dkt. #28]. The Magistrate Judge, in her Report and Recommendation, specifically referred to plaintiff's response. Therefore, plaintiff's motion for an extension of time [Dkt. #35] is **DENIED**.

(2) The Court adopts the Report and Recommendation.

(3) Defendant's motion is GRANTED.

(4) Plaintiff's complaint is hereby DISMISSED without prejudice for failure to exhaust his administrative remedies.

1 (5) The Clerk is directed to send copies of this Order to plaintiff, defendant's counsel and  
2 Magistrate Judge Karen L. Strombom.

3 DATED this 12<sup>th</sup> day of October, 2007.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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